

Appl. No. 10/765,413  
Amdt. dated January 25, 2006  
Reply to Office action of October 25, 2005

## REMARKS

### 35 U.S.C. § 102

Claims 1-18 and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,584,483 to Sines et al. Applicant respectfully disputes the section 102 rejection.

In order for a reference to anticipate a claim, the reference must disclose or teach each and every limitation recited in the subject claim. As detailed below, Sines fails to disclose at least one limitation in each and every independent and dependent claim of the present application.

#### Claim 1

As amended, claim 1 recites a method of shuffling cards comprising selecting a random position, corresponding to a specific single card, from a stack of playing cards placed in a card input unit; determining the positional height of the single specific card within the stack of playing cards; selecting a solenoid and corresponding ejector blade; aligning the single specific card and the selected solenoid; and firing said selected solenoid causing the ejector blade to eject the single specific card from the stack.

Although the shuffler disclosed in Sines utilizes random ejection technology, it does not, as recited in claim 1, disclose the ability to select and eject a specific single card from the card stack. That is, the shuffler of Sines utilizes multiple ejector blades to randomly eject single cards from a stack of cards. There is simply no disclosure or suggestion that the shuffler of Sines can select a specific card, determine a positional height of the card, and fire a solenoid to eject the specific selected card as recited in claim 1.

Applicant directs the Examiner to paragraphs [0049] and [0050] of the present application for a detailed description of the subject matter supporting claim 1. In addition, Applicant respectfully requests that the Examiner identify the specific language in Sines regarding the shuffler being able to select a specific card, determine a positional height of the specific selected card, and fire a solenoid to eject the specific selected card. It is noted that the language identified by the Examiner, namely column 13, lines 3-15, simply states that 5-30 cards are sequentially ejected. That is, each card from a top or bottom of the card stack is discarded in order. In other words, the shuffler does not identify a specific

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card from within the card stack and discard the card but rather the shuffler discards the remaining 5-30 cards in sequence from apparently a top or bottom of the stack. There is no suggestion that the shuffler first identifies a specific card and then ejects that card.

Claim 10

As amended, claim 10 recites a method of shuffling cards comprising detecting that a number of cards in a card input unit is less than a theoretical number of cards which should be, based on ideal shuffler operation, in the card input unit; positioning the card input unit and a card stack below a selected solenoid and corresponding ejector blade; incrementally raising the card input unit in concert with firing the selected solenoid causing the ejector blade to attempt to at least partially eject a top card from a card stack until the top card is at least partially ejected; in response to the top card being at least partially ejected, recording the position of the card stack; and, based on the card stack position, calculating the number of cards remaining in the card input unit.

Claim 10 is directed to a method of accounting for multiple cards being ejected by the single activation of an ejector blade. In other words, it is conceivable that the single activation of an ejector blade may cause more than one card to eject. That is, two or more adjacent cards may be ejected. Accordingly, claim 10 recites a method of accounting for such a circumstance whereby, based on detecting that the card stack is shorter than it should be considering the amount of ejector blade activations, the shuffler moves the card stack below a solenoid and incrementally raises the card stack until the solenoid ejects the top card. Once the top card is ejected, the shuffler is able to determine the height of the card stack and ensure that all ejector blade activations are within the actual height of the card stack and not a theoretical card stack height.

Applicant admits that Sines discloses a shuffler's ability to sense the height of the card stack but there is no disclosure regarding detecting a difference between an actual number of cards and a theoretical number of cards in the card input unit and incrementally moving the card stack while firing a ejector blade to determine a card stack height and calculating the number of cards remaining in the card input unit.

Applicant directs the Examiner to paragraphs [0055] and [0056] of the present application for a detailed description of the subject matter supporting claim 10. Again,

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Applicant respectfully requests that the Examiner identify the specific language in Sines regarding the shuffler being able to detect a difference between an actual number of cards and a theoretical number of cards in the card input unit and incrementally move the card stack while firing a ejector blade to determine an actual card stack height and calculate the number of cards remaining in the card input unit. It is noted that the Examiner's language, supporting the rejection of claim 10, is void of any such language or a precise location in Sines where such language can be located. Indeed, the language from column 13, lines 3-15 teaches away from claim 10.

**Claim 16**

As amended, claim 16 recites a method of shuffling cards comprising randomly ejecting cards from a card stack by continuously activating one or more ejector blades; after each activation of the ejector blades, determining whether any cards are in an undesirable orientation in the stack; activating one or more packer arms to properly position any cards in an undesirable orientation; determining whether or not the activation of the packer arms has properly positioned the cards which were determined to be in an undesirable orientation; and automatically adjusting the operation of the packer arms in response to the determination of whether or not the activation of the packer arms has properly positioned the cards in an undesirable orientation.

While Sines discloses the use of packer arms, it fails to disclose activating packer arms in response to determining one or more cards are in an undesirable orientation in the card stack. Rather, the packer arms of Sines are activated after each round of card ejections. Moreover, Sines fails to disclose that the operation of the packer arms is adjusted in response to the effectiveness of the packer arms.

Applicant directs the Examiner to paragraph [0060] of the present application for a detailed description of the subject matter supporting claim 16. Again, Applicant respectfully requests that the Examiner identify the specific language in Sines regarding the shuffler's packer arms being activated in response to one or more cards being in an undesirable orientation in the card stack and adjusting the operation of the packer arms based on the orientation of the cards in the card stack. It is noted that the Examiner's language, supporting the rejection of claim 16, is void of any such language or a precise location in

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Sines where such language can be located. However, column 11, lines 26-29 of Sines recites that the straightening operation can be performed after every ejection or with some other frequency found desirable. Accordingly, there is no suggestion of first identifying the need to pack the card stack and responsively causing the packer arms to operate. Sines discloses only a pre-determined frequency of straightening arm operation (e.g., every ejection or every three ejections).

**Claim 18**

As amended, claim 18 recites a method of shuffling cards comprising randomly ejecting cards from a card stack by continuously activating one or more ejector blades; calculating a speed of one or more cards as they exit the card input unit; comparing the calculated speed with a minimum threshold speed stored in a shuffling machine memory device; and in response to the calculated speed being below the minimum threshold speed, notifying an operator that the playing cards need to be replaced.

Sines is devoid of any disclosure or suggestion remotely related to card ejection speed and using the same to determine that cards should be replaced. However, Applicant respectfully invites the Examiner to precisely direct the Applicant to language within Sines that supports the Examiner's rejection of claim 18.

**Conclusion**

The 102 claim rejections offered by the Examiner are clearly not maintainable based on the numerous recited elements in claims 1, 10, 16 and 18 which are not disclosed or suggested in Sines. Accordingly, as claims 1, 10, 16 and 18 are not anticipated nor can dependent claims 2-9, 11-15, 17 or 20 be anticipated. Applicant acknowledges that the Sines shuffler and the present invention both utilize random ejection technology but the present application claims subject matter not remotely disclosed in Sines.

Importantly, the assignee of the present application is the same company that developed the shuffler disclosed in Sines. The current assignee is well aware that the shuffler disclosed in Sines shuffler could not operate in the fashion defined by the independent claims of the present application and therefore designed to shuffler of the present application to do so.

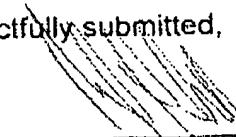
Applicant again respectfully requests that the Examiner specifically identify the

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language in Sines which supports the Examiner's 102 rejections or acknowledge, via a Notice of Allowance, that the claims are allowable as amended.

Respectfully submitted,

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*The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of fees which may be required by this paper to Deposit Account No. 502466 including any fee for extension of time, or the fee for additional claims which may be required. Please show our docket number with any Deposit Account transaction. A copy of this letter is enclosed.*

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